



## Security Council

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### Security Council Committee established pursuant to resolution 1718 (2006)

#### **Note verbale dated 25 January 2017 from the Permanent Mission of the Philippines to the United Nations addressed to the Chair of the Committee**

The Permanent Mission of the Republic of the Philippines presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to convey the report of the Republic of the Philippines on the implementation of Security Council resolution 2270 (2016) (see annex).

17-01561 (E) 070217



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**Annex to the note verbale dated 25 January 2017 from the  
Permanent Mission of the Philippines to the United Nations  
addressed to the Chair of the Committee**

**Report of the Philippines on the implementation of  
Security Council resolution 2270 (2016)**

**I. Constitutional framework**

The Philippine Constitution states that the Philippines "renounces war as an instrument of national policy, ... and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations."

Pursuant to this, the Philippines is committed to fulfilling its responsibilities to the international community by doing its share in controlling the spread of weapons of mass destruction (WMD) and in implementing relevant United Nations Security Council resolutions.

The Philippines in particular seeks to implement United Nations Security Council resolution 2270 (2016) and cooperate with the Security Council Committee with respect to its implementation.

**II. Legislative and executive framework**

**A. On WMD and related materials**

Section 2 of the Philippine Strategic Trade and Management Act (STMA), otherwise known as Republic Act No. 10697, states that the Philippines seeks to be "free from Weapons of Mass Destruction (WMD) in its territory, consistent with the national interest, to fulfil its international commitments and obligations, including United Nations Security Council Resolution (UNSCR) 1540, to take and enforce effective measures to establish domestic controls to prevent the proliferation of WMDs and their means of delivery; and to maintain international peace and security, and promote economic growth by facilitating trade and investment through the responsible management of strategic goods and the provision of related services."

The Philippines, through the Office of the Special Envoy on Transnational Crime (OSETC), has provided multiple trainings since 2013 to front-line officers of enforcement agencies so as to build capacity in WMD-commodity identification.

For the proper monitoring and surveillance of maritime vessels that enter or intrude into the Philippines area of responsibility, the Intelligence Group (IG) of the Bureau of Customs (BOC) is implementing the resolution for all the incoming and outgoing vessels within the Philippine area of responsibility.

**B. Export control**

Any person, prior to engaging in the export, import, re-export, reassignment, transit or trans-shipment, or the provision of related services and technical assistance (as defined in section 5 of the STMA), shall apply for an authorization

from the Strategic Trade Management Office (section 14). Moreover, an individual licence shall also be required in order to transfer these kinds of commodities, as stated in section 11 (a) and (b) of the STMA.

Section 4 of the STMA specifies a National Strategic Goods List (NSGL), which contains a specific description of strategic goods that are subject to authorization. The NSGL shall conform to international commitments and non-proliferation obligations, pursuant to bilateral and multilateral treaties, international conventions and international non-proliferation regimes.

#### **C. Inspection of cargo within or transiting through Philippine territory**

Under the Implementing Rules and Regulations of the Philippine Coast Guard Law of 2009, the Philippine Coast Guard, "in coordination with the Bureau of Customs shall seize, hold, or prevent entry and transport of cargoes within waters subject to the jurisdiction of the Philippines that are illegal and/or deemed a threat to the safety and security of life and property." The Implementing Rules and Regulations allow the Coast Guard to "conduct surveillance and inspection on all suspected persons, vessels and watercraft navigating within the waters subject to the jurisdiction of the Philippines, including offshore platforms or oil rigs, and enforce all applicable national and international maritime security laws and regulations, including but not limited to port state control implementation."

#### **D. National agency in addressing maritime issues**

Through Executive Order No. 57, series of 2011, the National Coast Watch Center of the Philippines functions as the body that coordinates relevant maritime information with appropriate implementing agencies in order to have a whole-of-government approach in addressing maritime issues.

#### **E. Financial and economic sanctions**

Rule 13.7.2 of the Revised Implementing Rules and Regulations of the Philippine Anti-Money Laundering Act (AMLA) of 2001 (Republic Act No. 9160), as amended, states that: "The Anti-Money Laundering Council (AMLC) is authorized under Section 7 (8) and 13 (b) and (d) of the AMLA to receive and take action in respect of any request of foreign states for assistance in their own anti-money laundering operations. It is also authorized under section 7 (7) of the AMLA to cooperate with the National Government and/or take appropriate action in respect of conventions, resolutions and other directives of the United Nations, the United Nations Security Council, and other international organizations of which the Philippines is a member."

### **III. MV *JIN TENG* in 2016**

In March 2016, the Department of Foreign Affairs was immediately notified that MV *JIN TENG*, a vessel listed in annex III of United Nations Security Council resolution 2270 (2016), had docked in Subic Bay Freeport, north-west of Manila. During its sail, the Philippine Bureau of Customs (BOC) strictly monitored the arrival of MV *JIN TENG* within the Philippine area of responsibility and once it had docked at the Subic Bay Port, Customs and Coast Guard officials strictly

implemented local laws by inspecting its cargo in relation to the Philippine commitment to non-proliferation of nuclear weapons and consequential economic sanctions. In line with the provisions of resolution 2270 (2016), the Philippine Government held the ship at Subic Bay Port.

The Department of Foreign Affairs and the National Coast Watch Center immediately convened several inter-agency meetings to discuss further actions to be taken on the ship, which included inspections by the country's customs and quarantine agencies as well as an asset freeze, during which time the Philippine Permanent Representative to the United Nations in New York was consistently in contact with the United Nations to update them about the matter.

The Philippine Government cooperated with the Security Council Committee established pursuant to resolution 1718 (2006) through the Philippine Permanent Mission in New York by meeting with the Chair of the Committee (Spain) as well as with the Panel of Experts to consult on the appropriate steps to take to address the situation, and update the Committee on developments on the ground.

The Philippine Government responded to the Committee's request for information, and submitted relevant documentation in relation to MV *JIN TENG*.

The Philippines released MV *JIN TENG* following the Committee's notice on 21 March 2016 that the vessel had been delisted together with 4 other vessels.

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**Security Council Committee established  
pursuant to resolution 1718 (2006)****Note verbale dated 25 January 2017 from the Permanent Mission of  
Peru to the United Nations addressed to the Chair of the Committee**

The Permanent Mission of Peru to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit herewith the report on measures taken by the Government of Peru to implement resolution 2270 (2016) (see annex).

The Permanent Mission of Peru to the United Nations takes this opportunity to convey to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) the renewed assurances of its highest consideration.



**Annex to the note verbale of 25 January 2017 from the Permanent Mission of Peru to the United Nations addressed to the Chair of the Committee**

**Report of Peru on the implementation of Security Council resolution 2270 (2016)**

Peru is a nation committed to the efforts of the United Nations to strengthen international peace and security. Consequently, it believes that global problems require coordinated actions and multilateral solutions, in a framework of respect for the purposes and principles contained in the Charter of the United Nations and international law, including international human rights law.

Peru, a country with a long tradition of promoting disarmament, non-proliferation and arms control, advocates a process of general and complete disarmament under effective international control and is a party to all related international regimes, which are its highest foreign policy priority.

In one example of its commitment to the promotion of general disarmament with a view to strengthening international security, in 2016 Peru sponsored the draft resolution entitled "Taking forward multilateral nuclear disarmament negotiations" in the First Committee of the General Assembly. That initiative, presented by Austria, Brazil, Ireland, Mexico, Nigeria and South Africa, reflected the recommendations of the Open-ended Working Group on nuclear disarmament convened under General Assembly resolution 70/33 — sponsored by Peru — to create a forum for discussions on nuclear disarmament matters, including the discussion of a viable way to move towards disarmament, through measures to achieve and maintain a world without nuclear weapons, and expressly mentioned the need to begin negotiating a legally binding instrument regulating the prohibition and later elimination of nuclear weapons.

Peru is a party to the following international instruments, among others:

Treaty on the Non-Proliferation of Nuclear Weapons, adopted on 1 July 1968, ratified by Peru on 3 March 1970 and in force since 5 March 1970.

Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), adopted on 14 February 1967 and in force in Peru since 4 March 1969.

International Convention for the Suppression of Acts of Nuclear Terrorism, ratification instrument deposited on 29 May 2009.

Convention on the Physical Protection of Nuclear Material, adopted by Legislative Decision No. 26376 of 28 October 1994 and in force in Peru since 10 February 1995.

Comprehensive Nuclear-Test-Ban Treaty, signed by the Government of Peru on 25 September 1996 and adopted by the National Congress at its session on 25 September 1997. The ratification instrument was deposited on 12 November 1997. Not in force.

Chemical Weapons Convention, ratification instrument deposited on 20 July 1995.

Biological Weapons Convention, ratification instrument deposited on 5 June 1985.

1925 Geneva Protocol, instrument of accession deposited on 21 May 1985.

Peru supports the resolutions of the Security Council and urges the Democratic People's Republic of Korea to abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, and immediately cease all related activities; and abandon all other existing weapons of mass destruction and ballistic missile programmes. In that regard, the Government of Peru has condemned the nuclear tests conducted by the Democratic People's Republic of Korea because it believes that they seriously threaten international peace and security and directly violate that country's international disarmament and non-proliferation obligations, including under the relevant Security Council resolutions.

Pursuant to Supreme Decree No. 016-2007-RE on the publication of Security Council resolutions adopted under Chapter VII of the Charter of the United Nations, Ministerial Decision No. 0392/2016-RE provided for the publication of the substantive summary of Security Council resolution 2270 (2016) on the non-proliferation of weapons and the Democratic People's Republic of Korea. Peru has been actively participating in various international forums to strengthen the international regulatory framework for nuclear disarmament and non-proliferation.

To ensure implementation of relevant Security Council resolutions and to improve domestic regulations in effect, on 13 July 2016 the Superintendency of Banks, Insurance and Private Pension Fund Administrators adopted Decision No. 3862-2016, regulating the mechanisms and procedures permitting the Financial Intelligence Unit of Peru to freeze administratively the funds or other assets of individuals or entities associated with terrorism or its financing, and those of individuals or entities associated with the proliferation of weapons of mass destruction and its financing, identified pursuant to Security Council resolutions, with special reference to the resolutions on the Democratic People's Republic of Korea, including their follow-up resolutions.

In that regard, the Financial Intelligence Unit has the authority to order the immediate freezing of funds or assets of individuals or legal entities included in:

- (a) Security Council lists drawn up pursuant to resolutions on terrorism and terrorist financing;
- (b) Security Council lists drawn up pursuant to resolutions on the financing of the proliferation of weapons of mass destruction.

The Unit shall inform a judge within 24 hours of ordering the measure, who in the same term shall validate the measure or order its immediate revocation.

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**Security Council Committee established pursuant to  
resolution 1718 (2006)****Note verbale dated 30 December 2016 from the Permanent  
Mission of Vanuatu to the United Nations addressed to the Chair  
of the Committee**

The Permanent Mission of the Republic of Vanuatu to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit the report of the Republic of Vanuatu on the implementation of Security Council resolution 2270 (2016).

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**Annex to the note verbale dated 30 December 2016 from the  
Permanent Mission of Vanuatu to the United Nations addressed to  
the Chair of the Committee**

**Report of Vanuatu on the implementation of Security Council  
resolution 2270 (2016)**

**I. Introduction**

Pursuant to United Nations Security Council resolution 2270 (2016) States are required to present a report to the Security Council Committee established pursuant to resolution 1718 (2006) on the steps they have taken or intend to take regarding its implementation.

This report sets out the policy, legislation and operational mechanisms operating in Vanuatu to implement the requirements of the resolution.

It is the consistent policy of Vanuatu to support disarmament and non-proliferation of weapons of mass destruction, especially nuclear weapons. Resolution 2270 (2016) was made known to all relevant ministries, agencies and local authorities in writing and through inter-agency meetings. The Ministry of Foreign Affairs is the Government agency responsible for the implementation of the resolution with an inter-agency focal point mechanism for smooth coordination and information sharing among different ministries, agencies and local authorities.

**II. Measures taken to implement Security Council resolution 2270 (2016)**

The Government of the Republic of Vanuatu is committed to faithfully implementing United Nations Security Council resolution 2270 (2016) and all other previous sanctions resolutions on the Democratic People's Republic of Korea (DPRK), namely 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013), and to rendering full cooperation to the Security Council Committee established pursuant to resolution 1718 (2006).

The Republic of Vanuatu is a party to international treaties such as the Treaty on the Non-Proliferation of Nuclear Weapons and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. The Vanuatu Government now has an established concrete inter-agency mechanism to fully implement its obligation under the relevant Security Council resolutions and will continue to contribute to the international efforts to strengthen the global non-proliferation regime.

The Vanuatu Government has taken the necessary legislative and executive measures to implement the Security Council sanctions resolutions on DPRK and to submit its national implementation report following the adoption of resolution 2270 (2016).

Against DPRK's repeated launches of ballistic missiles on 7 February 2016 from the Tongchang-ri missile launch site in North Pyongan Province in violation of the relevant Security Council resolutions including resolution 2270 (2016), the

Vanuatu Government sent a statement to the Chair of the 1718 Committee reporting the violations and strongly condemning North Korea's ongoing defiance of numerous United Nations resolutions. The Vanuatu Government joins the international community to call on North Korea to halt all its nuclear activities which pose direct threats to international peace and security and to return to compliance with its international obligations as articulated in various United Nations Security Council resolutions.

**1. Inspection and interdiction (paragraphs 18-23 of resolution 2270 (2016))**

*Prohibition of leasing or chartering flagged vessels or aircraft or providing crew services to DPRK (paragraph 19)*

Vanuatu currently authorizes only one bunker vessel that services fishing vessels operating in the Western and Central Pacific Fisheries Commission (WCPFC) area and listed on the Commission's record of fishing vessels. The Democratic People's Republic of Korea is not a member or a cooperating non-member of the Commission. The Director of the Vanuatu Department of Fisheries intends to make it a condition of the bunker vessel and all authorized Vanuatu flag vessels not to service or receive service from the Democratic People's Republic of Korea. The Vanuatu Fisheries Act No. 10 of 2014 provides for the chartering of Vanuatu fishing vessels beyond Vanuatu waters. Vanuatu could use this provision to disallow charters of Vanuatu fishing vessels to the Democratic People's Republic of Korea. Vanuatu is also in the process of finalizing its national crewing policy. Crewing agents established under the laws of Vanuatu will be conditioned not to supply crew to a Democratic People's Republic of Korea owned or flagged fishing vessel.

The Director of Fisheries has the power to refuse the registration of a fishing vessel under the Fisheries Act, and to refuse or approve a Vanuatu citizen from chartering a vessel from another flag State.

It is already a policy for the Director not to allow:

- (a) Registering a fishing vessel owned by the Democratic People's Republic of Korea; and
- (b) A citizen of Vanuatu or a corporate body established under Vanuatu law from chartering a DPRK fishing vessel.

**2. Export control (paragraphs 29-31)**

Vanuatu does not have any direct imports or exports with the Democratic People's Republic of Korea. In case of any such occurrence, the Vanuatu Customs Department does accommodate a specific provision under the Customs Act to prohibit imports and exports, which may be limited to the importation and exportation of goods from a specified place or by or from a specified person or class of persons.

### 3. Financial and economic sanctions (paragraphs 32-38)

#### A. *Application of asset freeze to all the funds, other financial assets and economic resources to or from DPRK that are owned or controlled by entities of the Government of DPRK (paragraph 32)*

The Vanuatu Government's asset freezing powers are based on the Anti-Money Laundering and Counter-Terrorism Financing Act.

Section 2 of the Act gives businesses and professions that provide financial services, transfers of funds or value, cash deliveries or selling of gold the implementation requirement for reporting.

Businesses and professions that are "reporting entities" under section 2 are issued regularly with updated Financial Action Task Force (FATF) sanctions lists by the Vanuatu Financial Intelligence Unit. The responses from the businesses and professions are required to submit any adverse match against the FATF list.

Section 12 of the said Act requires reporting entities to conduct enhanced identification, verification and monitoring of customers from and transactions originating from or going into DPRK. The latter is a high risk jurisdiction under the FATF sanctions list.

Sections 20-24 of the Act require reporting entities to report any suspicious transaction and not to proceed further unless directed by the Vanuatu Financial Intelligence Unit.

In particular, section 22 prohibits any transaction originating from or going into DPRK.

#### B. *Prohibition of opening new branches and offices of DPRK banks in Vanuatu (paragraph 33)*

All banks opening or operating in Vanuatu must be licensed by the Reserve Bank of Vanuatu and registered with the Vanuatu Financial Intelligence Unit for anti-money-laundering and counter-terrorism financing purposes. Given that DPRK is on the FATF list, the Unit will not issue any registration to DPRK banks, branches, subsidiaries or representation offices in Vanuatu.

Company and trust service providers are captured under section 2 of the Anti-Money Laundering and Counter-Terrorism Financing Act and are "reporting entities". These providers are obliged under section 12 to conduct customer due diligence on their clients and to report any suspicions under sections 20-24.

Any public and private financial support to DPRK would require the use of a bank account, bank services or money remittance/transfer services. Banks and money remitters are obliged under the Act not to transact these transactions into DPRK.

### 4. Prohibition of entry or transit of designated individuals (paragraph 22)

The Democratic People's Republic of Korea is not on the exempt list of Immigration Visa Regulation Order No. 180 of 2011. Thus, designated individuals or entities are required to have a visa upon entry into Vanuatu.

The Vanuatu Department of Immigration regulation provides the platform to contain the measures as requested in the Security Council resolution. To date, the Vanuatu Department of Immigration has not yet received any applications of any North Korean individual.

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**Security Council Committee established  
pursuant to resolution 1718 (2006)****Letter dated 13 February 2017 from the Permanent Representative  
of the Republic of Korea to the United Nations addressed to the  
Chair of the Committee**

I have the honour to refer to Security Council resolution 2321 (2016), in particular, its paragraph 36, which calls upon all Member States to report to the Council on concrete measures that they have taken to implement effectively the provisions of the resolution. In this respect, I have the honour to submit to the Security Council Committee established pursuant to resolution 1718 (2006) the report of the Government of the Republic of Korea on the implementation of resolution 2321 (2016) (see annex).

(Signed) **Cho** Tae-yul  
Permanent Representative



**Annex to the letter dated 13 February 2017 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Chair of the Committee**

**Report of the Republic of Korea on the implementation of Security Council resolution 2321 (2016)**

**I. Introduction**

The Government of the Republic of Korea ("the Korean Government") is committed to faithfully implementing Security Council resolution 2321 (2016) and all previous Security Council sanctions resolutions on the Democratic People's Republic of Korea, namely, resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), and to rendering full cooperation to the Security Council Committee established pursuant to resolution 1718 (2006).

The Republic of Korea is a party to international treaties concerning the non-proliferation of weapons of mass destruction, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. The Republic of Korea is also a member of all export control regimes, namely, the Nuclear Suppliers Group, the Missile Technology Control Regime, the Australia Group, the Zangger Committee and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The Korean Government has established a concrete system to fully implement its obligations under the relevant Security Council resolutions, and it will continue to contribute to the international efforts to strengthen the global non-proliferation regime.

Since 2006, the Korean Government has taken the necessary legislative and executive measures to implement the Security Council sanctions resolutions on the Democratic People's Republic of Korea and submitted its national implementation reports in 2006, 2009, 2013 and 2016. Following the adoption of resolution 2321 (2016), the Government has taken additional measures to implement the resolution effectively.

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for the direct transfer of all items between the Republic of Korea and the Democratic People's Republic of Korea. In accordance with the Act, the Government bans the direct transfer to the Democratic People's Republic of Korea of any item prohibited under the relevant Security Council resolutions.

Under the Foreign Trade Act and its administrative measures, namely, the Special Measures for Restrictions on Trade for the Maintenance of International

Peace and Security<sup>1</sup> and the Public Notice on the Trade of Strategic Goods, and other relevant laws,<sup>2</sup> the Korean Government bans the indirect transfer through a third party to the Democratic People's Republic of Korea of all items prohibited under the relevant Security Council resolutions.

In addition, under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for nationals of the Republic of Korea to visit the Democratic People's Republic of Korea or to contact or engage in joint projects with residents of the Democratic People's Republic of Korea. Any person who violates the Act is subject to a maximum of three years in prison or a fine of up to 30 million Korean won.

The Korean Government imposed the measures of 24 May 2010 in response to the sinking of the Republic of Korea navy corvette *Cheonan* by a torpedo attack by the Democratic People's Republic of Korea in 2010. Pursuant to those measures, all exchanges and cooperation with the Democratic People's Republic of Korea were suspended with the exception of the Kaesong industrial complex. The measures involve extensive sanctions against the Democratic People's Republic of Korea, including: (a) strict restrictions on visits by nationals of the Republic of Korea to the Democratic People's Republic of Korea; (b) the suspension of inter-Korean trade; (c) the prohibition of new investments in the Democratic People's Republic of Korea; and (d) a ban on the operation of vessels of the Democratic People's Republic of Korea in the territorial waters of the Republic of Korea.

However, following the fourth nuclear test and the long-range ballistic missile launches by the Democratic People's Republic of Korea in early 2016, the Korean Government took measures to cease operations of the Kaesong industrial complex on 10 February 2016. Currently, there are no exchanges or cooperation between the Republic of Korea and the Democratic People's Republic of Korea.

## **II. Measures taken to implement Security Council resolution 2321 (2016)**

- A. Restrictions on weapons of mass destruction and conventional arms and additional items, materials, equipment, goods and technology relating to weapons of mass destruction (paras. 4, 7, 10 and 11)**
- 1. Prohibition of the transfer of dual-use items that have applications relating to weapons of mass destruction and conventional arms for the Democratic People's Republic of Korea (paras. 4 and 7)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for the direct transfer of all items between the Republic of Korea and the Democratic People's Republic of Korea. The Ministry of Unification enacted the Public Notice on the Procedures for the

<sup>1</sup> Under the Foreign Trade Act, the Minister of Trade, Industry and Energy may take administrative measures when it is necessary to perform duties to maintain international peace and security under treaties on trade entered into in accordance with generally accepted international laws and regulations.

<sup>2</sup> The Nuclear Safety Act, the Defence Acquisition Programme Act and the Chemical Control Act.

Approval of Transfers of Strategic Goods to the Democratic People's Republic of Korea in August 2007 and has been updating the control list annually. Under the Public Notice, any person who intends to transfer an item to the Democratic People's Republic of Korea is required to verify whether the item is listed as a strategic item prior to such a transfer.

Any individual who has transferred strategic goods through deceptive or other illicit means is subject to a maximum of three years in prison or a fine of up to 30 million Korean won.

In accordance with the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security, the Korean Government bans the indirect transfer to the Democratic People's Republic of Korea of all items prohibited under the relevant Security Council resolutions. The Special Measures include all the arms and related items specified in the relevant Council resolutions as prohibited items and also cover the items in the conventional arms dual-use list contained in S/2016/1069.<sup>3</sup>

In addition, the Ministry of Trade, Industry and Energy will revise the Special Measures in the first quarter of 2017 to reflect the items specified in the list contained in annex III to resolution 2321 (2016). Additionally, in order to further enhance vigilance regarding the procurement activities of the Democratic People's Republic of Korea, the watch list tailored by the Republic of Korea for the Democratic People's Republic of Korea, which is divided into the three categories of nuclear activities, missiles and submarines, will also be included in the Special Measures. Any person who is discovered to have transferred through a third country items banned by the Special Measures will be subject to a maximum of five years in prison or a fine of up to three times the price of the items.

In December 2016, the Ministry of Trade, Industry and Energy informed relevant export companies of the sanctions measures imposed by the relevant Security Council resolutions against the Democratic People's Republic of Korea to increase awareness thereof in the export industry of the Republic of Korea. In addition, the Ministry plans to host outreach events targeted at the industry to educate relevant companies in order to prevent them from violating the sanctions.

Under the Customs Act, the Korean Government may inspect goods, means of transportation, storage facilities and related documents or take other necessary measures to prevent violations of the relevant Security Council sanctions resolutions on the Democratic People's Republic of Korea, including resolution 2321 (2016). Under the Act, the Korea Customs Service may conduct inspections when dual-use items that have applications relating to conventional arms are transferred.

Currently, all inter-Korean trade has been suspended.

<sup>3</sup> S/2016/1069 contains a conventional arms dual-use list that was adopted by consensus by the five permanent members of the Security Council on 15 December 2016 and was thereafter circulated among the members of the Committee pursuant to paragraph 7 of resolution 2321 (2016).

**2. Inclusion of the advanced, proliferation-sensitive areas in which the specialized teaching and training of residents of the Democratic People's Republic of Korea are prohibited (para. 10)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for contacting or engaging in joint projects with residents of the Democratic People's Republic of Korea or for transferring tangible and intangible items to the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification may prohibit teaching and training on proliferation-sensitive nuclear activities and the development of nuclear weapon delivery systems.

The Ministry of Trade, Industry and Energy will revise the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security in the first quarter of 2017 to explicitly prohibit teaching and training on proliferation-sensitive nuclear activities and the development of nuclear-weapon delivery systems, including in the areas of advanced materials science, advanced chemical engineering, advanced mechanical engineering, advanced electrical engineering and advanced industrial engineering.

The Defence Acquisition Programme Administration prohibits the provision of any training or advice to the Democratic People's Republic of Korea with regard to all types of arms and related items. The Administration enacted the Defence Technology Security Act in December 2015 in order to further strengthen the obligations to observe the relevant Security Council resolutions and the punitive consequences when the resolutions are violated. It has also provided export controls training to relevant companies to prevent technology from being leaked to the Democratic People's Republic of Korea.

**3. Restriction of scientific and technical cooperation involving the Democratic People's Republic of Korea (para. 11)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for contacting or engaging in joint projects with residents of the Democratic People's Republic of Korea or for transferring tangible and intangible items to the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification may prohibit scientific and technical cooperation involving the Democratic People's Republic of Korea.

**B. Inspection and interdiction (paras. 12, 13, 21 and 25)**

**1. Prohibition of the entry into port of a designated vessel (para. 12)**

Under the Act on the Arrival, Departure, etc., of Ships and its Enforcement Decree, the Ministry of Oceans and Fisheries may require vessels to obtain permission for entry into ports when necessary for national security. Under the Act, the Ministry may prohibit vessels designated by the Committee from entering the ports of the Republic of Korea.

Following the guidelines for the inspection of cargoes, the Republic of Korea navy and the coast guard jointly operate to stop and interdict vessels that have been denied entry when such vessels attempt to enter ports of the Republic of Korea.

The Korean Government prohibits all vessels flagged by the Democratic People's Republic of Korea from entering the ports or passing through the maritime jurisdictional area of the Republic of Korea.

Currently, all operation of vessels between the Republic of Korea and the Democratic People's Republic of Korea has been suspended.

**2. Inspection of personal luggage and checked baggage going to and coming from the Democratic People's Republic of Korea (para. 13)**

Under the Customs Act, the Korean Government may inspect goods, means of transportation, storage facilities and related documents or take other necessary measures to prevent violations of the relevant Security Council sanctions resolutions on the Democratic People's Republic of Korea, including resolution 2321 (2016). Under the Act, the Korea Customs Service may inspect personal luggage and checked baggage going to and coming from the Democratic People's Republic of Korea.

In accordance with the Act, the personal luggage and checked baggage of individuals going to and coming from the Democratic People's Republic of Korea and visitors who are nationals of the Democratic People's Republic of Korea are subject to mandatory inspection starting from 22 December 2016.

**3. Inspection of cargo transiting to and from the Democratic People's Republic of Korea by rail and road (para. 21)**

Under the Customs Act, the Korean Government may inspect goods, means of transportation, storage facilities and related documents or take other necessary measures to prevent violations of the relevant Security Council sanctions resolutions on the Democratic People's Republic of Korea, including resolution 2321 (2016). Under the Act, the Korea Customs Service may inspect cargo transiting to and from the Democratic People's Republic of Korea by rail and road.

Currently, all transportation between the Republic of Korea and the Democratic People's Republic of Korea, including by rail and road, has been suspended.

**4. Restriction of designated individuals transiting through an international airport terminal en route to another destination (para. 25)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for residents of the Democratic People's Republic of Korea to visit the Republic of Korea. Under the Act, the Korean Government may refuse to allow designated individuals who are subject to sanctions to transit through international airport terminals of the Republic of Korea en route to another destination.

The 11 individuals listed in annex I to resolution 2321 (2016) will not be allowed to enter the Republic of Korea unless they have obtained the approval of and a certificate from the Ministry of Unification.

**C. Diplomatic sanctions (paras. 14-18)****1. Reduction of the number of staff at diplomatic missions and consular posts of the Democratic People's Republic of Korea (para. 14)**

Currently, there are no diplomatic missions or consular posts of the Democratic People's Republic of Korea in the Republic of Korea.

**2. Restriction on government and military officials of the Democratic People's Republic of Korea from entering or passing through the territory of a Member State if they are deemed to be associated with the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other prohibited activities (para. 15)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for residents of the Democratic People's Republic of Korea to visit the Republic of Korea. Under the Act, the Ministry of Unification may refuse to allow government and military officials of the Democratic People's Republic of Korea who are associated with the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other prohibited activities to enter or pass through the Republic of Korea.

Government and military officials of the Democratic People's Republic of Korea who are associated with the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other prohibited activities will not be allowed to enter the Republic of Korea unless they have obtained the approval of and a certificate from the Ministry of Unification.

**3. Limit on the number of bank accounts that diplomatic missions and consular posts of the Democratic People's Republic of Korea, as well as all diplomats and consular officers of the Democratic People's Republic of Korea, can hold to one account each (para. 16)**

Currently, there are no diplomatic missions or diplomats of the Democratic People's Republic of Korea in the Republic of Korea.

**4. Prohibition of diplomats of the Democratic People's Republic of Korea from engaging in commercial or other professional activities and roles outside of their diplomatic responsibilities (para. 17)**

Currently, there are no diplomats of the Democratic People's Republic of Korea in the Republic of Korea.

**5. Ban on the Democratic People's Republic of Korea from generating revenue from leasing real estate that belongs to its diplomatic missions or consular posts (para. 18)**

Currently, there are no diplomatic missions of the Democratic People's Republic of Korea in the Republic of Korea.

**D. Sanctions on transportation (paras. 8, 9, 20, 22 and 23)****1. Prohibition of leasing aircraft or vessels or providing crew services to the Democratic People's Republic of Korea (para. 8)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required to provide services to or engage in joint projects with residents of the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification may prohibit the leasing of aircraft or vessels or the provision of crew services to the Democratic People's Republic of Korea.

The Ministry of Oceans and Fisheries informed relevant organizations, including the Korea Shipowners' Association, with which ship companies of the Republic of Korea are registered, of their obligations under resolution 2321 (2016), including the prohibition of leasing aircraft or vessels and providing crew services to the Democratic People's Republic of Korea.

The Ministry of Land, Infrastructure and Transport informed nine national carriers, including Korean Air and its partner airlines, of their obligations under resolution 2321 (2016) on 2 December 2016. The Ministry examined whether the national carriers had been implementing their obligations on 10 January 2017.

**2. Prohibition of registering vessels in the Democratic People's Republic of Korea, as well as owning, operating, insuring or providing any services to vessels flagged by the Democratic People's Republic of Korea (para. 9)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for contacting or engaging in joint projects with residents of the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification may prohibit registering vessels in the Democratic People's Republic of Korea, as well as owning, operating, insuring or providing any services to vessels flagged by the Democratic People's Republic of Korea.

The Ministry of Oceans and Fisheries has informed relevant organizations, including the Korea Shipowners' Association, with which ship companies of the Republic of Korea are registered, of their obligations under resolution 2321 (2016).

**3. Inspection of the cargo of aircraft flagged by the Democratic People's Republic of Korea when they land in or take off from the territory of a Member State, and provision of no more fuel than is necessary to civil passenger aircraft flagged by the Democratic People's Republic of Korea (para. 20)**

Under the Customs Act, the Korean Government may inspect goods, means of transportation, storage facilities and related documents or take other necessary measures to prevent violations of the relevant Security Council sanctions resolutions on the Democratic People's Republic of Korea, including resolution 2321 (2016). Under the Act, the Korea Customs Service may inspect the cargo of aircraft flagged by the Democratic People's Republic of Korea when they land in or take off from the territory of the Republic of Korea.

The Ministry of Land, Infrastructure and Transport informed nine national carriers, including Korean Air and its partner airlines, of their obligations under resolution 2321 (2016) on 2 December 2016. The Ministry examined whether the

national carriers had been implementing their obligations on 10 January 2017. In addition, the Ministry provided training from 22 December 2016 to 12 January 2017 to the relevant employees to increase their implementation capability.

The Ministry of Trade, Industry and Energy revised the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security in April 2016 to include aircraft fuels in the list of prohibited items.

Currently, all operation of aircraft between the Republic of Korea and the Democratic People's Republic of Korea has been suspended.

**4. Ban on the provision of insurance services to any vessels owned, controlled or operated by the Democratic People's Republic of Korea (para. 22)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required to provide services to residents of the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification may prohibit the provision of insurance services to any vessels owned, controlled or operated by the Democratic People's Republic of Korea.

**5. Ban on the procurement of vessel or aircraft crew services from the Democratic People's Republic of Korea (para. 23)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for contacting or engaging in joint projects with residents of the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification may prohibit vessels or aircraft flagged by the Republic of Korea from procuring crew services from the Democratic People's Republic of Korea.

The Ministry of Oceans and Fisheries has informed relevant organizations, including the Korea Shipowners' Association, with which ship companies of the Republic of Korea are registered, of their obligations under resolution 2321 (2016).

The Ministry of Land, Infrastructure and Transport informed nine national carriers, including Korean Air and its partner airlines, of the obligations under resolution 2321 (2016) on 2 December 2016. The Ministry examined whether the national carriers had been implementing their obligations on 10 January 2017.

**E. Export control (paras. 26-30)**

**1. Imposing a binding cap on coal exports by the Democratic People's Republic of Korea (paras. 26 and 27)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for the direct transfer of all items between the Republic of Korea and the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification prohibits the direct transfer of coal from the Democratic People's Republic of Korea.

Under the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security, the Korean Government bans the indirect transfer from the Democratic People's Republic of Korea of all items prohibited under the relevant Security Council resolutions. The Ministry of Trade, Industry and Energy

revised the Special Measures in April 2016 to prohibit the indirect transfer of coal from the Democratic People's Republic of Korea.

Under the Customs Act, the Korean Government may inspect goods, means of transportation, storage facilities and related documents or take other necessary measures to prevent violations of the relevant Security Council sanctions resolutions on the Democratic People's Republic of Korea, including resolution 2321 (2016). Under the Act, the Korea Customs Service may discover and prevent transfers of coal from the Democratic People's Republic of Korea. The Korea Customs Service has increased efforts to review import documents and inspect goods in order to interdict coal disguised as other items.

The Ministry of Unification will enact a decree for the implementation of the interdiction of disguised imports from the Democratic People's Republic of Korea in the first half of 2017 and institutionalize an inter-ministry cooperation system to eradicate disguised transfers of goods through third countries from the Democratic People's Republic of Korea.

Currently, all inter-Korean trade has been suspended.

## **2. Ban on the export by the Democratic People's Republic of Korea of non-ferrous metals — copper, nickel, silver and zinc (para. 28)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for the direct transfer of all items between the Republic of Korea and the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification may prohibit the direct transfer of copper, nickel, silver and zinc from the Democratic People's Republic of Korea.

Under the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security, the Korean Government bans the indirect transfer from the Democratic People's Republic of Korea of all items prohibited under the relevant Security Council resolutions. The Ministry of Trade, Industry and Energy will revise the Special Measures in the first quarter of 2017 to add copper, nickel, silver and zinc to the list of prohibited items.

Under the Customs Act, the Korean Government may inspect goods, means of transportation, storage facilities and related documents or take other necessary measures to prevent violations of the relevant Security Council sanctions resolutions on the Democratic People's Republic of Korea, including resolution 2321 (2016). Under the Act, the Korea Customs Service may discover and prevent transfers of copper, nickel, silver and zinc from the Democratic People's Republic of Korea. The Korea Customs Service has increased efforts to review import documents and inspect goods in order to interdict the import of prohibited metals disguised as other items.

Furthermore, the Ministry of Unification will enact a decree for the implementation of the interdiction of disguised imports from the Democratic People's Republic of Korea in the first half of 2017 and institutionalize an inter-ministry cooperation system to eradicate disguised transfers of goods through third countries from the Democratic People's Republic of Korea.

Currently, all inter-Korean trade has been suspended.

**3. Ban on the export by the Democratic People's Republic of Korea of statues (para. 29)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for the direct transfer of all items between the Republic of Korea and the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification may prohibit the direct transfer of statues from the Democratic People's Republic of Korea.

Under the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security, the Korean Government bans the indirect transfer from the Democratic People's Republic of Korea of all items prohibited under the relevant Security Council resolutions. The Ministry of Trade, Industry and Energy will revise the Special Measures in the first quarter of 2017 to add statues to the list of prohibited items.

Under the Customs Act, the Korean Government may inspect goods, means of transportation, storage facilities and related document or take other necessary measures to prevent violations of the relevant Security Council resolutions, including resolution 2321 (2016). Under the Act, the Korea Customs Service may discover and prevent transfers of statues from the Democratic People's Republic of Korea.

Currently, all inter-Korean trade has been suspended.

**4. Ban on the sale of new vessels and helicopters to the Democratic People's Republic of Korea (para. 30)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for the direct transfer of all items between the Republic of Korea and the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification may prohibit the direct transfer of new vessels and helicopters to the Democratic People's Republic of Korea.

Under the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security, the Korean Government bans the indirect transfer to the Democratic People's Republic of Korea of all items prohibited under the relevant Security Council resolutions. The Ministry of Trade, Industry and Energy will revise the Special Measures in the first quarter of 2017 to add new vessels and helicopters to the list of prohibited items.

Currently, all inter-Korean trade has been suspended.

**F. Financial sanctions (paras. 31-33)**

**1. Requirement of the closure of bank offices, accounts and subsidiaries in the Democratic People's Republic of Korea within 90 days (para. 31)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for citizens of the Republic of Korea to engage in joint projects with residents of the Democratic People's Republic of Korea or to visit the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification may prohibit financial institutions of the Republic of Korea

from creating bank offices, accounts or subsidiaries in the Democratic People's Republic of Korea.

Currently, there are no bank offices, accounts or subsidiaries of the Republic of Korea in the Democratic People's Republic of Korea.

**2. Prohibition of public and private financial support for trade with the Democratic People's Republic of Korea (para. 32)**

Under the Inter-Korean Cooperation Fund Act, when companies of the Republic of Korea that are engaged in inter-Korean trade apply for insurance or loans, the Korean Government makes decisions on whether to provide insurance or loans and on limits to the amounts to be provided based on the relevant legislation and regulations. Under the Act, any provision of public or private financial support by individuals or entities under the jurisdiction of the Republic of Korea for trade with the Democratic People's Republic of Korea is prohibited, unless the Committee has granted its approval on a case-by-case basis in advance.

**3. Expulsion of individuals working on behalf of or under the direction of a bank or financial institution of the Democratic People's Republic of Korea (para. 33)**

Under the Immigration Control Act, the Korean Government prevents the entry into or transit through the territory of the Republic of Korea of foreigners working on behalf of or under the direction of designated individuals or entities or foreigners assisting the evasion of sanctions or violating the provisions of the relevant Security Council resolutions by including them in the entry denial list. In addition, a person who has become or is subsequently found to be subject to grounds for prohibition of entry may be deported from the Republic of Korea.

**G. Designation of additional individuals and entities (annexes I and II)**

Under the Prohibition on the Financing of Offences of Public Intimidation and Proliferation of Weapons of Mass Destruction Act, the 11 individuals and 12 entities listed in annexes I and II to resolution 2321 (2016) were additionally designated by the Financial Services Commission, and therefore they are subject to the asset freeze.

Under the Foreign Exchange Transactions Act and the Guideline for the Allowance of Payment and Receipt to Fulfil the Obligation of Maintaining International Peace and Safety, financial transactions in foreign currency with individuals or entities designated by the Korean Government are prohibited, unless approved by the Governor of the Bank of Korea. The 11 individuals and 12 entities listed in annexes I and II to resolution 2321 (2016) were additionally designated on 1 December 2016, and therefore transactions with those individuals and entities are currently prohibited.

The 11 individuals listed in annex I to resolution 2321 (2016) will not be allowed to enter the Republic of Korea unless they have obtained the approval of and a certificate from the Ministry of Unification.

## **II. Embargo on luxury goods (annex IV)**

Under the Inter-Korean Exchange and Cooperation Act, the Korean Government's authorization is required for the direct transfer of all items between the Republic of Korea and the Democratic People's Republic of Korea. Under the Act, the Ministry of Unification may prohibit the transfer of luxury goods to the Democratic People's Republic of Korea.

The Ministry of Trade, Industry and Energy will revise the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security in the first quarter of 2017 to add the luxury goods (rugs and tapestries and tableware made of porcelain or bone china) specified in annex IV to resolution 2321 (2016) to the list of prohibited items. The Ministry of Trade, Industry and Energy revised the Special Measures in 2009, 2013 and 2016 to include the categories of luxury goods prohibited under Security Council resolutions 1874 (2009), 2094 (2013) and 2270 (2016).

Currently, all inter-Korean trade has been suspended.